

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: <div style="text-align: center; padding-top: 20px;">See Form PCT/ISA/220</div>		<div style="text-align: center; padding-top: 20px;">Date of mailing (day/month/year) See Form PCT/ISA/210 (page 2)</div>	
Applicant's or agent's file reference See form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/DE2004/000636	International filing date (day/month/year) 26/03/2004	Priority date (day/month/year) 07/04/2003	
International Patent Classification (IPC) or both national classification and IPC G08G1/16, B60K31/00			
Applicant ROBERT BOSCH GMBH			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

EV 321891164US

10/552402

JC05 Rec'd PCT/PTO 07 OCT 2003

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/DE2004/000636**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-5, 10	YES
	Claims	1, 6-9, 11-13	NO
Inventive step (IS)	Claims	2-5, 10	YES
	Claims	1, 6-9, 11-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations:

See Supplementary Page

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/DE2004/000636

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

See Supplementary Page

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(SUPPLEMENTARY PAGE)

PCT/DE2004/000636

Re Point V.

1 Reference is made to the following document:

D1: U.S. 3,952,301 A (SORKIN ET AL) April 20, 1976 (1976-04-20)

2 INDEPENDENT CLAIM 1

The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claim 1 is not novel within the meaning of Article 33(2) PCT. Document D1 discloses (the references in parentheses relate to this document):

A method for controlling a driver-assistance device (Figure 1), in which measured quantities to be recorded by sensors are evaluated for triggering a reaction, and measuring instants are determined through essentially repeating cycles for acquiring and evaluating the measured quantities (Figure 3, 42, 43, 45-47, 50, 52, 58, 60-61), the measuring instants being controlled in such a way that one of the measuring instants follows as immediately as possible an instant at which measured quantities giving rise to a triggering probably exist (Figure 3, J-M).

3 INDEPENDENT CLAIM 9

The same argumentation holds true, mutadis mutandis, for the subject matter of the corresponding, independent

System Claim 9. Therefore, Claim 9 likewise cannot be regarded as novel in view of D1.

4 DEPENDENT CLAIMS 6-8, 11-13

Claims 6-8, 11-13 do not include any features that, in combination with the features of any claim to which they refer, satisfy the requirements of the PCT with regard to novelty and inventive activity, respectively. The dependent Claims 6-8, 11-13 have as their subject matter a slight structural change of the driver-assistance device and method according to Claim 1 and Claim 9, which lies within the framework of that which one skilled in the art does habitually because of considerations on which he is current, particularly because the advantages achieved thereby may be readily seen in an overall view beforehand. As a result, the subject matter of Claims 6-8, 11-13 will probably also not be based on inventive activity.

5 DEPENDENT CLAIMS 2-5, 10

The combination of features contained in the dependent claims is neither known from the present related art nor made obvious by it. The measuring instants are not controlled as a function of a prediction.

Re Point VIII.

Claim 9 is not clear, and does not satisfy the requirements of Article 6 PCT, inasmuch as the subject matter of the application for protection is not clearly defined. The following functional information does not allow one skilled in the art to determine which technical features are necessary to carry out the indicated function:

one of the measuring instants follows as immediately as

possible an instant at which measuring quantities giving rise to a triggering probably exist.